

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMIL GIBBS,

Plaintiff,

VS.

RICHARD WATSON, *et al.*,

Defendants.

Case No. 15-cv-01145-JPG-PMF

## MEMORANDUM AND ORDER

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 27) of Magistrate Judge Philip M. Frazier with regard to Defendants’ Motion (Doc. 22) for Summary Judgment on the Pleadings. The parties did not file any objections to the R & R.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The plaintiff did not file a response to the defendant's motion nor has he filed an objection to the R & R. Local Rule 7.1(c) provides that, "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion." In this case, the R & R indicates that the plaintiff's cause of action was filed beyond the statute of limitation and the Court considers the plaintiff's failure to respond to either the defendant's motion or the R & R as an admission of the merits of the motion.

The Court has received no objection to the R & R by either party. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 27) and **GRANTS** Defendants' Motion (Doc. 22) for Summary Judgment on the Pleadings. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED:** 6/28/2016

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**